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**Subject:** Cross-Cutting Issues News for November 3, 2016



## Cross-Cutting Issues

### News for November 3, 2016

## Bloomberg Daily Environment Report™ BNA

### NEWS

#### *Biotechnology*

#### [Merkel Seeks Limits on Genetically Modified Crops in Germany](#)

German Chancellor Angela Merkel's cabinet approved a bill allowing federal and state authorities to block the planting of genetically modified crops without imposing a nationwide ban....

### *Budget*

#### Canada to Spend \$35 Billion More on 'Green' Projects

Canada will spend C\$47.2 billion (\$35.3 billion) more on green infrastructure during the next 11 fiscal years and is setting up a new bank to fund major projects, the government's finance minister said Nov. 1....

### *Climate Change*

#### German Cabinet Split on Emissions Reduction Pledge

German Chancellor Angela Merkel's Cabinet showed wide divisions over how to achieve carbon-emissions cuts agreed to last year in the Paris deal, casting a shadow over officials heading to a United Nations climate meeting in Morocco...

### *Climate Policy*

#### Trump Win Would Wreck Paris Climate Deal, French Official Says

The head of France's constitutional council Laurent Fabius said environment-friendly measures agreed to at United Nations-sponsored climate talks in Paris in 2015 would collapse if Donald Trump is elected U.S. president....

### *Climate Regulation*

#### Passenger Cars Outperform 2015 Greenhouse Gas Standards: EPA

Model year 2015 passenger vehicles and trucks are ahead of the curve for the fourth straight year when it comes to meeting federal fuel economy and greenhouse gas emissions standards, the Environmental Protection Agency said in an annual report...

### *Congress*

#### Rep. Shimkus, Once Firebrand Republican, Softens His Approach

Illinois Republican John Shimkus is the front-runner to take the gavel of the House Energy and Commerce Committee in the 115th Congress and will do so as long as two things happen: House

Republicans perform as expected Nov. 8 and retain the majority,...

### *Emissions Trading*

#### A China Bothered by Pollution Takes Global Green Bond Leadership

China is extending its dominance of the global market for green bonds, just as the Paris Agreement on climate change takes effect this week....

### *Endangered Species*

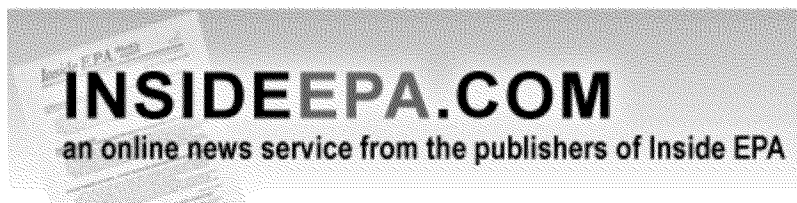
#### Snake River Dams May Be in Danger Due to Endangered Salmon

Three federal agencies are launching a broad review of the operation of the Columbia River system, including whether to remove four dams on its largest tributary to save endangered salmon....

### *Environmental Justice*

#### EPA Conducting Civil Rights Investigation on Flint Water

The Environmental Protection Agency has begun investigating whether state or local officials discriminated against Flint, Mich., residents in actions related to the city's drinking water crisis....



Inside EPA's **Weekly Report**, 11/04/2016

<http://insideepa.com/newsletters/inside-epa>

### **Latest News**

#### **Mileage Gains In EPA Report May Bolster Push To Defend Vehicle GHG Rules**

EPA is confirming and extending earlier analysis of trends showing fuel economy improvements in recent years for light-duty vehicles, evidence that could bolster a push from regulators to retain or even strengthen current greenhouse gas and fuel economy rules for the sector.

## News Briefs

### **GOP Platform Signals Data Act Challenges To Climate Studies**

The Republican Party's 2016 platform signals that a Donald Trump administration would use the Data Quality Act (DQA) to "get rid" of studies that contradict its environmental agenda, especially on climate change findings used to justify EPA greenhouse gas (GHG) rules, a conservative speaker told a Nov. 1 Environmental Law Institute (ELI) panel.

# Greenwire

## **DAKOTA ACCESS:**

### **Obama weighs in, shaking up pipeline debate**

Hannah Northey, E&E reporter

Published: Wednesday, November 2, 2016



President Obama last night said the government is examining rerouting the Dakota Access oil pipeline, which has sparked massive resistance across the United States. Here law enforcement officers near Cannonball, N.D., stand guard along a state highway as a fire burns in the foreground. Photo courtesy of AP Images.

President Obama signaled yesterday that the Army Corps of Engineers is weighing options for rerouting the contentious Dakota Access oil pipeline to protect lands that Native Americans consider sacred, but experts say the administration is facing a very heavy lift.

"Making a significant reroute at this point — either by the order of the government or agreement of the parties — would be difficult," said Van Ness Feldman LLP attorney Edward Gehres, who leads the firm's tribal practice.

Obama waded into the national fight over the Bakken Shale pipeline during an interview with the video news organization NowThis News, revealing the Army Corps is looking at rerouting options that would be "attentive" to tribal tradition.



Edward Gehres. Photo courtesy of Van Ness Feldman LLP.

The administration, he said, is going to "let it play out for several more weeks." Meanwhile, Obama said, he's closely monitoring tribes' and environmentalists' opposition to the oil pipeline and looking for a way to "accommodate sacred lands."

Gehres said the president's comments weren't surprising given the Obama administration's careful approach to energy projects and tribal consultation, but he noted that much of the 1,172-mile-long, \$3.8 billion pipeline has been constructed and undergone a federal routing process that accounts for geographic, geologic and environmental concerns.

Central to the debate is the administration's decision in September to withhold final approval needed by Dallas-based Energy Transfer Partners to finish building the oil pipeline across Lake Oahe, a dammed reservoir on the Missouri River. Although the Army Corps said then it would decide in "weeks, not months," no decision has been made.

Vicki Granado, a spokeswoman for Energy Transfer Partners, said the company was unaware of any consideration being given to a reroute. "We remain confident we will receive our easement in a timely fashion," she said.

Yet Obama's remarks and overall decision to wade into the fight in North Dakota have emboldened climate activists and tribes concerned about the safety of their drinking water reserves and sent shock waves through an oil and gas industry intent on expanding the nation's pipeline network to tap a glut of domestic oil and gas.

It's also left legal experts scrambling to understand what once appeared to be a routine permitting process.



Maranda Compton. Photo courtesy of Van Ness Feldman LLP.

In what's slowly shaping up to be an exercise in reading political tea leaves, Maranda Compton, an of-counsel attorney at Van Ness Feldman, laid out the possible paths forward but said the unprecedented nature of the case makes predictions tough.

The Army Corps, sources said, could take the highly unusual step of refusing to grant the easement, throwing the pipeline project in jeopardy.

Or the agency could reopen its environmental assessment and reroute the project, Compton said.

The Standing Rock Sioux Tribe's claims still pending in federal court are fueling the Army Corps' reassessment of its procedural obligations under the National Environmental Policy Act and the National Historic Preservation Act ([EnergyWire](#), Oct. 12).

Any new environmental issues that surface or undiscovered or previously unidentified cultural resources — such as human remains or historic artifacts — could provide a basis for a supplemental environmental assessment or, less likely, a full environmental impact statement (EIS), Compton said. An assessment would take a few months, whereas an EIS would require at least six months, she added.

Industry sources threw out yet another option, saying the Army Corps could grant the easement with conditions and use its leverage to extract an agreement out of Energy Transfer Partners. Any major reroute, industry sources added, would cost developers hundreds of millions of dollars.

The uncertainty shines a bright light on the current route of the Dakota Access pipeline and past routes the company considered.

The project has been rerouted many times throughout the planning process, most significantly moving a Missouri River crossing from the Bismarck, N.D., area to its current planned location, a half-mile north of the Standing Rock Indian Reservation. The Bismarck crossing passed through more heavily populated areas ([EnergyWire](#), Nov. 2).

Given the political fallout that would accompany building the pipeline along its current route, many are looking for a compromise between the tribes and Energy Transfer.



Tyler Priest. Photo courtesy of the University of Iowa.

"The Obama administration has done the right thing in halting this thing, so at least we have a cooling off period to reconsider the corps' and government consultation process with Native Americans," said Tyler Priest, a professor at the University of Iowa who served as a senior policy analyst for the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

As Obama burnishes his legacy and outreach with tribes in the remaining months of his presidency, what's more certain is the administration taking firm steps to improve tribal relations and respond to an unprecedented show of support at Standing Rock.

"The administration will try and resolve Dakota Access as best it can," Compton said, "but they have their eye on how to change the underlying process."

Gehres said Obama is keen on dealing with the permitting process for major infrastructure projects to ensure tribes feel they have a voice, adding that possible mechanisms include proposed legislation, regulations or other documents within the executive authority.

## **EPA:**

### **Big bucks await officials who take revolving door**

Kevin Bogardus, E&E reporter

Published: Wednesday, November 2, 2016



U.S. EPA senior officials could earn sizable salaries from law firms and lobby shops once they leave government service. Photo by Glyn Lowe, courtesy of Flickr

U.S. EPA and other federal agencies will undergo a major change in executive leadership as the Obama administration prepares to exit after eight years.

When they enter the private sector, EPA officials could earn three or even five times their government salaries, according to headhunters interviewed by E&E News. Those who have overseen consequential enforcement cases and hot-button regulations will be in high demand from corporate legal offices, law firms and lobby shops.

"Quite a few firms, including those with established environmental law practices, have contacted me looking for government attorneys," said Amy Savage, managing director at Lateral Link, an executive search firm. "They're ramping up because they have to answer their clients' questions."

Savage oversees searches for law firm partners and has a specialty in matching lawyers with firms experienced in environmental law. She said she saw "a surge of interest" by government attorneys in joining the private sector in April and May. That legal market will grow crowded after the election next week.

"There is going to be tons of supply," said Julian Ha, a partner at Heidrick & Struggles, another executive search firm. "There will be a lot of people rolling off, transitioning, lots of appointees who will be looking for a job."

If Republican presidential nominee Donald Trump wins, EPA and the rest of the administration will come under GOP control for the first time since 2009, triggering a tidal wave of personnel change. And if Democratic candidate Hillary Clinton triumphs, many recruiters still believe there will be substantial turnover at the agencies.

"Some people know they are going to leave. Some people are on the fence — they may want to stay in another Democratic administration," Savage said. "The priorities will change with the change of administration."



Private-sector compensation will be a big lure to leave civil service.

EPA senior political officials could fetch sizable money from law firms and the business world.

Some headhunters estimated EPA's top leadership — those running point on enforcement actions or involved in crafting major air and water regulations, such as the Clean Power Plan or the Waters of the U.S. rule — could get guaranteed annual salaries at law firms in the range of \$700,000 to \$1 million or perhaps even higher, not including bonuses and other benefits. Yearly pay from corporations would likely be lower but still hefty, starting at \$500,000.

Those figures easily surpass what many of EPA's top leaders currently make.

Like most top political appointees, EPA Administrator Gina McCarthy had her pay frozen in 2016 due to language included in last year's massive government spending bill.

This year, McCarthy is earning an annual salary of \$179,700, which is the executive schedule's level 2 rate and has been her pay since 2013. The agency's incumbent assistant administrators have had their pay frozen as well, with several earning \$155,500 in 2016 — the executive schedule's level 4 rate set in 2013.

John Walke, clean air director for the Natural Resources Defense Council, said ex-EPA officials' moves to the corporate and legal world will not be unusual.

"People need to work and pay the mortgage. That's perfectly appropriate," said Walke, who worked at EPA from 1998 to 2000 in the general counsel office.

Walke also expects there will be some movement between EPA and environmental groups with President Obama leaving office, but not much.

"If you look at past Democratic administrations, you can point to a few officials who have ended up at environmental groups, but the numbers are modest. Those numbers are also outpaced by hires in the private sector," Walke said.

## **Not 'oil and gas crowd'**

Agency expertise is in high demand outside of government. Scott Segal, a partner at Bracewell LLP who represents energy companies, said former EPA officials can be "invaluable" for clients.

"Given that regulations often stretch existing programs and laws to their breaking point or beyond, it is extremely helpful to have the wise counsel of former EPA officials in interpreting the direction EPA is going. Lay on top of that the technicalities of EPA programs, and folks with government experience can be invaluable," Segal said in an email.

Bracewell has several top ex-EPA officials in its employ: former air chief Jeff Holmstead, ex-enforcement official Richard Alonso, former congressional relations head Ed Krenik, and Lisa Jaeger, who served as acting general counsel and deputy general counsel.

"It's a great team of smart and dedicated individuals. The service provided to clients is essential to first-rate representation," Segal said.

All four at Bracewell served at EPA during the George W. Bush administration and often now represent industry in court and lobbying battles since leaving the agency. Recruiters believe President Obama's picks at the agency may choose a different route.

Nels Olson, vice chairman of Korn Ferry, an executive search firm, said EPA officials now serving may not take the business path once out of office.

"Clearly, this is a time in the administration where officials in EPA and elsewhere are looking for opportunities. It will be more fruitful for them to focus on the environmental not-for-profit and law firm opportunities than the more traditional corporate ones," Olson said.

Others in the headhunting world agreed.

"You can go to industry. I'm not sure if this is an oil and gas crowd, but they could go to alternative energies. They could go to K Street and work for a law firm or a lobbying firm," said Ivan Adler, a principal at the McCormick Group.

Adler, who specializes in recruiting for government affairs jobs, said, "The people coming out of the Bush administration were more apt to go to industry. Philosophically, idealistically, this is just a different crowd."

EPA officials' move to the private sector may take more time than in the past. In July, the Office of Government Ethics updated its rules governing the "revolving door," strengthening requirements that federal employees properly recuse themselves when entering job negotiations.

Robert Kelner, who heads up Covington & Burling LLP's election and political law group, called the changes "minor tweaks" but said they have gotten wide notice among government workers.

"The ethics offices are much more attentive to this than they have been in the past, and frankly, the media attention surrounding the tweaks made employees much more sensitive," Kelner said.

Consequently, EPA officials may stall job talks in order not to recuse themselves from their policy work. Savage said members of the administration are consulting ethics officials early on in the job hunt process.

"I would say my government attorneys have gone to their ethics officers much more frequently than they have before in the past," Savage said. "Now, it is one of the first things that they do."

Segal said OGE has specifically recognized that former EPA officials can advise clients on compliance and legal issues, including with laws as complex as the Clean Air Act.

"That's as it should be. As the government seeks to wring more compliance obligations out of existing laws, it is essential for those targeted by such maneuvers to have a full understanding of the framework of the laws," Segal said.

## **'They will know how it works'**

Several former EPA officials who served during the Obama administration have already found success outside of government.

Arvin Ganesan, who was EPA's chief liaison to Congress, is now vice president at Advanced Energy Economy, a clean energy trade association. Lisa Heinzerling, once EPA's policy chief, is a law professor at Georgetown University. Scott Fulton, formerly general counsel for EPA, is president of the Environmental Law Institute. Bob Perciasepe, an EPA veteran who was the agency's deputy administrator, is president of the Center for Climate and Energy Solutions. And of course, former EPA chief Lisa Jackson landed a plum position at tech giant Apple, leading its environmental and social initiatives.

Current EPA officials' value on K Street and elsewhere may spike if Clinton wins and maintains Democratic control over the agency.

"They will know people. They will know how it works. They will know the incoming people and will be helping them transition in," said Chris Jones, founder and managing partner at CapitolWorks, an executive search firm that focuses on government relations and public affairs jobs.

"The outgoing Obama people will be seen as a resource for the incoming people," said Jones, noting Washington is the market for their skills. "A lot of these people — Obama, Clinton — have been circulating for 20 years and have been working their way up."

After all, people who know how the government's sausage is made, including at EPA, will always be prized by those affected by federal litigation and regulation.

Savage at Lateral Link said, "It comes down to the business case."

"You could have two people who have similar roles in EPA, but they could get different salaries depending on the demand for their skills. Someone who worked in air could be in demand more than someone else," Savage said. Also, whoever now can fulfill clients' needs can anticipate higher compensation in return.

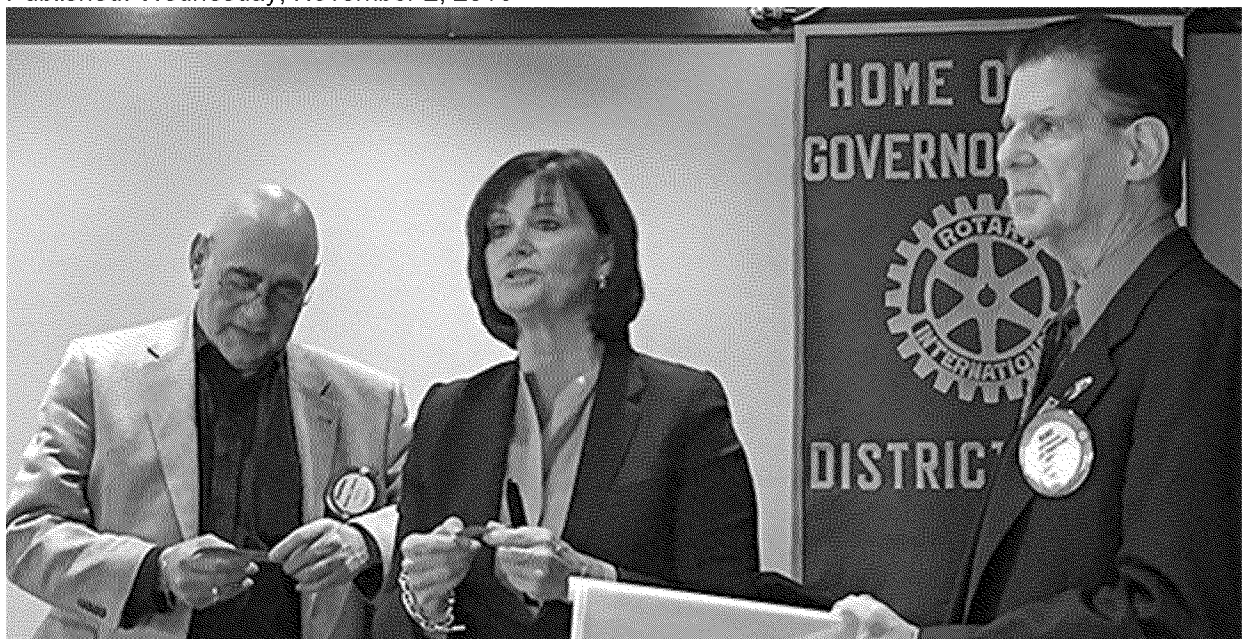
"If the firm has an overflow of work and someone from government can step in right away and do the job, you will see that their pay will be stronger," Savage said.

## **VIRGINIA:**

### **In hot House race, Democrat talks up climate change**

Arianna Skibell, E&E reporter

Published: Wednesday, November 2, 2016



Virginia Democrat LuAnn Bennett speaks at the Rotary Club in Tyson's Corner in her campaign to unseat Republican Rep. Barbara Comstock. Photo by Arianna Skibell.

On a sleepy Thursday morning several days before the November election, members of the Rotary Club of Tysons Corner in suburban Virginia welcomed local businesswoman LuAnn Bennett to a 7 a.m. breakfast of bacon, eggs, zucchini muffins and political talk.

The 63-year-old real estate executive is the Democratic nominee taking on freshman Rep. Barbara Comstock (R) in Virginia's 10th District — a race political analysts are now calling a toss-up.

As the sun rose over the Tower Club in Northern Virginia, Bennett sat quietly, waiting for Rotary members to wrap up discussions of an upcoming silent auction, collect loose change for donations, and share "happy talk" and life updates, before she spoke to the crowd, which skewed older.

Bennett spoke about education equity, improved transportation and job creation — top concerns in her district. But she also spoke a great deal about climate change.

"I believe in science," she said, calling her opponent a climate denier. "We need to combat climate change. But the opportunities in that are enormous.

"We should be embracing this new green economy. We should be manufacturing wind turbines and solar panels right here in the United States, not buying them from India and China," she said.

This message resonated with Ingrid Parris-Hicklin, star and producer of the local TV show "Ingrid's World," whose son struggled to find a job after graduating from college.

"Definitely green jobs, because that's going to be the way of the future," Parris-Hicklin said. "Oh, I think [Bennett] is great," she added.

Bennett said Virginians should be concerned about the direct impact of climate change on their naval base and port in Norfolk.

"That is a real issue. It's one of the reasons that our military is so concerned with climate change. Their naval bases are all right on the edge of the oceans. And they feel sea rise," she told E&E News.

In 2007, when he served as governor, Democrat Tim Kaine, who is now Virginia's junior senator and Hillary Clinton's pick for vice president, appointed Bennett to his climate change commission, which brought together environmentalists and power companies to chart a way forward on cutting greenhouse gas levels.

Bennett also sits on the board of directors of the Institute for Sustainable Communities, founded by former Vermont Gov. Madeleine Kunin (D).

On the flip side, opponents maintain Comstock is a climate denier, and the League of Conservation Voters this year launched an advertisement attacking Comstock for voting for the Congressional Review Act "resolution of disapproval" to permanently block U.S. EPA and the Army Corps of Engineers' Clean Water Rule.

"Rep. Comstock did the bidding of big polluters, and put their profits ahead of the health of Virginia's families," Gene Karpinski, president of the LCV, said in a statement. "She voted for a radical assault on the clean water protections of one in three Americans."

Comstock's campaign could not be reached after multiple requests for comment. She has largely avoided the media during her increasingly competitive campaign for re-election.

The Rotary Club morning meeting that Bennett attended was a low-key, intimate affair — but was ultimately impactful.

"I'm a Republican, but you're going to get my vote," one woman told Bennett after the breakfast.

The woman, who asked not to be mentioned by name, is a Republican loyalist. She said she can't bring herself to vote for Comstock after the GOP incumbent withdrew her support for Republican presidential nominee Donald Trump.

"You stand behind your party, you just do," the woman said, noting she likes Bennett's business-oriented attitude.

Nathan Gonzales, editor of *The Rothenberg & Gonzales Political Report*, said smaller campaign events can have an impact.

While turning up for debates and meet-and-greets, Comstock has canceled several smaller joint appearances with Bennett during her campaign or opted to send a surrogate.

But Gonzales said smaller events with scant media coverage are not going to make or break a candidate or swing an election. What Comstock should be more concerned about, he said, are her ties to Trump, who has not been well received in the more affluent areas of Northern Virginia.

That's part of what fuels Democrats' increasing optimism about the race. President Obama won the district by 3 points in 2008 and lost it by a single point in 2012.

While Comstock has been reluctant to talk to the press — she is the only member of Congress in the history of local broadcaster Bruce Depuyt's 14-year-old "News Talk" program on News Channel 8 to not appear — she has been out campaigning.

This week alone, she hit the Leesburg Halloween Parade, visited with supporters at Katie's Cars & Coffee in Great Falls, stopped by the Park Valley Church's Halloween Bash and celebrated the Diwali festival with the Sant Nirankari Mission in Chantilly. She is scheduled to stump today with House Speaker Paul Ryan (R-Wis.), according to published reports.

Bennett has also been busy, stopping by the Leesburg Halloween Parade, passing out early-morning cookies and talking about transportation with Loudoun County commuters, and attending services Sunday at Heritage Fellowship Church.

While *The Rothenberg & Gonzalez Political Report*, *The Cook Political Report* and the University of Virginia's *Sabato's Crystal Ball* have all moved their ratings of the race to "toss-up" categories within the past two weeks, Comstock has a substantial — and critical — financial lead.

Through Sept. 30, Comstock had raised over \$4.5 million and had \$909,709 on hand, according to data compiled by the Center for Responsive Politics. Bennett had raised a little over \$2.2 million with \$82,634 on hand.

Bennett, the ex-wife of former Rep. Jim Moran (D), who represented an adjacent district, said the constant fundraising is the aspect of running a campaign that surprised her the most.

"I knew that money had become a big part of it. I didn't know that on an everyday level what that really

meant. And we do spend way too much time raising money," she said.

Bennett said her marriage to Moran will serve her well if she is elected.

"It absolutely informed my view of what government can do, what it can't do, where it should engage and where sometimes it shouldn't," she said. "That was a great learning experience for me."

The oil and gas industry and its workers have donated \$64,775 to Comstock's campaign, while environmentalists have given \$12,049 to Bennett, the Center for Responsive Politics reported.

Outside groups have invested more than \$3.7 million in the congressional race, significantly more than any other contest in the state this year, according to the nonpartisan money tracker Virginia Public Access Project.

Whether that sways voters may determine the ultimate victor Tuesday.

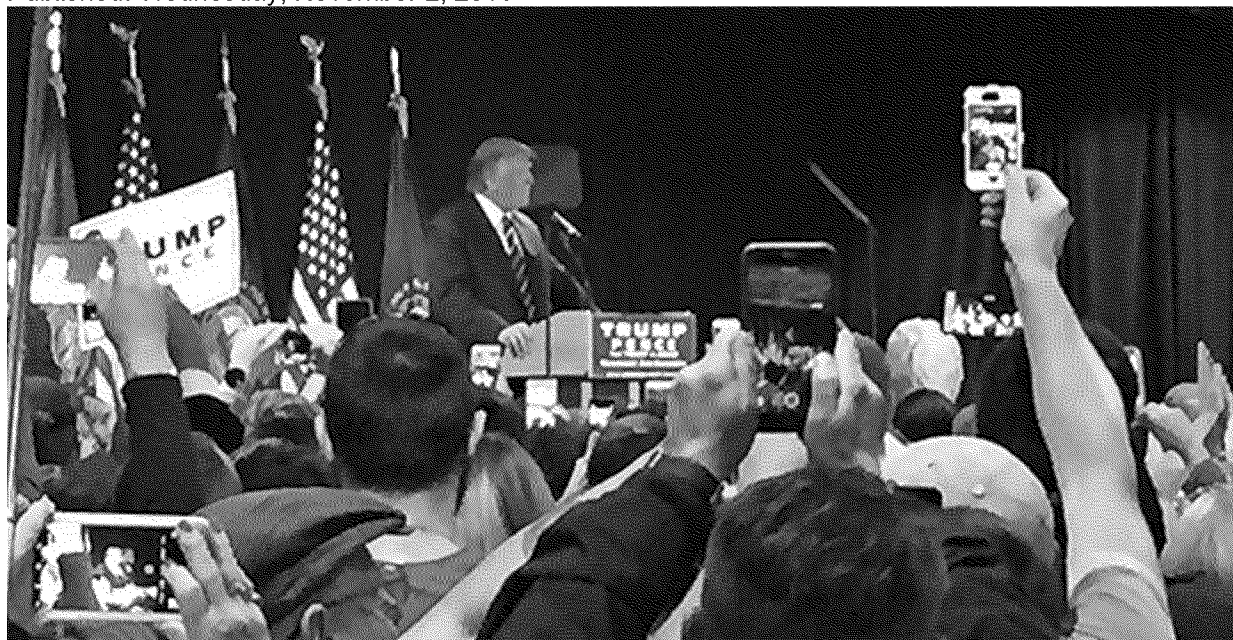
"In a close race, everything matters," Gonzales said. "Every event. Every demographic, every issue can make a difference."

## **WHITE HOUSE:**

### **Trump supporters at rally dismiss climate science**

George Cahlink, E&E reporter

Published: Wednesday, November 2, 2016



Republican presidential nominee Donald Trump rallies supporters in Manchester, N.H., on Friday without any mention of climate change. Photo by George Cahlink.

MANCHESTER, N.H. — Republican presidential nominee Donald Trump offered up a list of campaign promises at a rally with hundreds of supporters here last week.

"We will stop the Trans-Pacific [Partnership]," Trump said to loud cheers.

"We'll greatly simplify your taxes," he shouted as supporters waved signs for Trump and running mate Mike Pence.

"And, on the border, we have no choice, we will build a wall, and Mexico will pay for the wall," the billionaire real estate mogul bellowed to cries of "make them pay."

But what was missing from Trump's nearly 30-minute prescription for "making America great again" was any mention of climate change or plans for environmental protection.

Trump, in fact, almost never mentions environmental issues on the campaign trail, save for occasionally vowing to abolish U.S. EPA or claiming climate change is a "hoax" created by the Chinese.

His supporters don't mind.

In a crowd of partisans, many of whom wear shirts with phrases like "Hillary for Prison" printed on them, there's little interest in green issues.

In interviews with E&E News, Trump supporters said they believe there's no need to focus on climate. Several said they doubt human beings cause global warming. Others suggested the New York City businessman could address it if he wanted to.



Former New Hampshire Sen. Bob Smith (R), past chairman of the Senate Environment and Public Works Committee.  
Photo by George Cahlink.

"I agree with Trump on climate change; I don't see it as proven as a man-made issue," said former New Hampshire Sen. Bob Smith (R), once chairman of the Senate Environment and Public Works Committee, who attended the rally.

A poll revealed this month by the Pew Research Center found that only about 22 percent of Trump supporters believe humans are affecting the Earth's climate. The number for all registered voters was 50 percent.

Smith, however, was quick to add that Trump has been a strong financial backer of the Everglades Foundation, a nonprofit group the former senator headed several years ago focused on preserving south

Florida's endangered wetlands.

Ray Caley, who drove up a few hours from Massachusetts to attend his second Trump rally, calls himself a "respector of the Earth," but not an environmentalist.

"The Earth is going through a cycle. I don't think anyone can prove we are helping it along," Caley said when asked about climate change.

Eric Jackman, a Trump impersonator and backer from Jaffrey, N.H., who donned a blond wig, power suit and red tie for the event, said he was more concerned with weaning the United States off foreign oil to avoid wars in the Middle East than climate change.

"The weather changes," Jackman mused before adding he's not sure of a human link to global warming.

Teisha O'Keefe, a Trump backer from Wolfeboro, N.H., was less dismissive of climate change than some in the crowd. "I care about the environment, but that's not as important as foreign policy and the economy," she said.

Another Trump backer from Massachusetts, Larry Mulrey of Boston, said climate change is "not really a concern to him," although he, too, added that he supports taking care of the planet.

Like many at the rally, Mulrey said his attraction to Trump is not any specific policies, but rather that he's "not a politician" and is someone he believes will bring sweeping change to a "corrupt" Washington, D.C.

Sporting a Trump-themed T-shirt that said "Fire the idiots" on the front and "Finally someone with balls" on the back, Carolyn Brown of Londonderry, N.H., was an outlier who believes in climate change and added Trump has the business smarts to address it.

"Donald Trump will have a good Cabinet around him, and they ought to take steps to protect" the environment, she said.

During his speech, Trump suggested his backers might not care much about his policy views — environmental or otherwise.

His address came only minutes after the FBI announced it was investigating a fresh batch of emails that could be connected to Democratic nominee Hillary Clinton's private server.

After breaking the news to supporters and lambasting his Democratic rival as "too corrupt" for the presidency, Trump said: "The rest of my speech is going to be so boring. Should I even make the speech?"

"Lock her up! Lock her up!" the crowd roared back at their candidate.

## **CLIMATE:**

### **Coalition urges candidates to support CCS technology**

Christa Marshall, E&E reporter

Published: Wednesday, November 2, 2016



A coalition of companies and environmental groups sent joint letters to the Trump and Clinton campaigns today outlining how to incentivize carbon capture and sequestration technology.

The National Enhanced Oil Recovery Initiative, whose members range from Peabody Energy Corp. to the Natural Resources Defense Council, reiterated support for expanding existing tax credits to store captured CO<sub>2</sub> in oil fields and rock formations.

The tax credit, known as 45Q, is facing a credit cap that is holding back projects, the group said. It needs a higher value, and a change in its requirements to include more potential developers and allow projects that store less than 500,000 tons of CO<sub>2</sub> annually, the initiative said.

Many of those changes are enshrined in bills in the House and Senate backed by some Democrats and Senate Majority Leader Mitch McConnell (R-Ky.) (*Greenwire*, July 15). The Senate version of the bill also is supported by Democratic presidential nominee Hillary Clinton and co-sponsored by her running mate, Sen. Tim Kaine (D-Va.).

The group also backs congressional legislation that would allow tax-exempt private activity bonds to support the technology and would allow CCS and renewable projects to receive some of the same tax benefits as the oil and gas industry. More research and development is needed to reduce the technology's costs, according to the coalition.

"Like with other low- and zero-carbon energy technologies such as wind and solar, multiple complementary incentive policies are ultimately needed to enable investment and drive deployment at a level commensurate with meeting U.S. and global emission reductions," the [letter](#) to the Clinton transition team says. A companion [letter](#) to Republican candidate Donald Trump's transition team makes similar points.

Along with supporting the 45Q bill, Clinton references carbon capture multiple times in her energy plan. She says she will increase research investments and grants for the technology. Trump has voiced support for "clean coal," but it remains unclear which policies he would support.

Carbon capture and sequestration technology currently is the chief option to reduce CO<sub>2</sub> emissions from fossil-fuel power generators and industrial plants. The International Energy Agency suggests that carbon capture and sequestration could meet about 13 percent of needed global emission reductions by 2050.

"Many of the IPCC models fail to limit warming to 2 C without CCS, and of those models that can solve without CCS, the cost of meeting mid-century emissions reduction goals increases by an estimated 138 percent," the letters say.

They also highlight existing research in support of CCS, including a Department of Energy analysis this summer finding that expansion of the 45Q tax credit combined with additional research could help prompt 150 billion kilowatt-hours of power plant generation with the technology by 2030.

A separate IEA analysis also found that for every barrel of oil produced from captured CO<sub>2</sub>, there is a net CO<sub>2</sub> emissions reduction of 0.19 metric ton per barrel. That is so even though the CO<sub>2</sub> is coming from one fossil fuel to produce another, according to IEA.

There are many critics of CCS technology, considering that several major demonstration projects backed under the 2009 American Recovery and Reinvestment Act, like FutureGen 2.0, ultimately were canceled. A coalition of environmentalists and market-focused groups sent multiple letters to lawmakers this year urging them not to support CCS technology through expanded tax credits (*E&E Daily*, April 14).

## RENEWABLE ENERGY:

## FWS to grant Calif. wind project rare 5-year eagle 'take' permit

Scott Streater, E&E reporter

Published: Wednesday, November 2, 2016



The Fish and Wildlife Service plans to issue a permit allowing a California wind project to kill or harm up to three golden eagles over a five-year period. Photo courtesy of U.S. Fish and Wildlife Service.

The Fish and Wildlife Service plans to issue a permit for the second time ever allowing a Southern California wind power project to kill, harm or harass up to three federally protected golden eagles over a five-year period.

FWS today published a final environmental assessment and a "finding of no significant impact" in the *Federal Register* that paves the way for the operators of the 137-megawatt Alta East Wind Project in Kern County to obtain a five-year eagle "take" permit.

FWS intends to issue the permit to Alta Wind X LLC — a subsidiary of NRG Yield Inc., which owns the Alta East wind farm — after a 30-day public review period, according to today's notice.

While FWS acknowledges in the notice that the Alta East Wind Project "will result in recurring eagle mortalities over the life of the project," the project proponents have completed a detailed eagle conservation plan, along with a separate bird and bat conservation strategy. The plans, among other things, commit Alta Wind X to retrofit dozens of power poles within a year to prevent electrocutions of birds and take other steps to reduce mortality, including curtailing operations when eagles are detected in the area.

The Bald and Golden Eagle Protection Act makes it illegal to kill or harm either eagle species. But FWS in 2009 issued a rule that allows companies to obtain five-year take permits if they agree to avoid and mitigate harm.

FWS determined that if the conservation steps outlined in the Alta East conservation plans are taken, the

project will result in "no net loss" to eagle populations in the area.

"We are committed to ensuring energy development is compatible with the conservation of our nation's wildlife and are delighted Alta Wind X chose to work collaboratively with us to protect golden eagles at their project site," Eric Davis, assistant regional director of FWS's Migratory Bird Program, said in a statement. "We hope this will encourage other companies to work with us to produce similar eagle conservation plans and provide a better future for California's wildlife."

FWS in 2014 issued its first-ever five-year permit to a subsidiary of EDF Renewable Energy, allowing the take of up to five eagles over five years at the 50-turbine Shiloh IV wind project north of San Francisco (*E&ENews PM*, June 26, 2014).

Alta East will be the second wind project to get a five-year eagle take permit, said Laury Parramore, an FWS spokeswoman in Falls Church, Va.

The term "take" is defined by FWS as to "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest or disturb" individual eagles, their nests and their eggs.

The 2,200-acre wind project, which is located mostly on federal lands within and adjacent to the Tehachapi Wind Resource Area, was approved by the Bureau of Land Management in May 2013.

The project's 48 turbines harness cooler valley air that is drawn into a mountain pass to fill a void left by the naturally rising hot desert air. They're among roughly 5,000 turbines in the Tehachapi WRA that generate more than 3,000 MW of electricity (*Greenwire*, Oct. 27, 2015).

The take permit for the Alta East project comes amid ongoing concerns about the impacts of thousands of spinning wind turbine blades on eagles.

A recent study of golden eagle mortality at a Northern California wind energy field found that over a quarter of the turbine-killed eagles had recently flown to the area, some from as far away as Wyoming and New Mexico. Many of the dead eagles were also pre-adults (*Greenwire*, Oct. 17).

The researchers determined that 26 percent of golden eagles killed at the Altamont Pass Wind Resource Area immigrated to the region within a year of their deaths, prompting the study's authors to call for broader environmental assessments of such wind facilities.

Approval of the Alta East project in 2013 was controversial given its potential impact on endangered California condors, which are protected under the Endangered Species Act (*Greenwire*, May 24, 2013).

FWS issued a first-ever authorization allowing Alta East to injure or kill up to one condor during the 30-year life of the project.

Terra-Gen Power LLC, which owned the project at the time, committed to installing very-high-frequency equipment that can pick up signals from radio telemetry devices placed on all California condors that allow the wind farm operators to detect condors as far as 16 miles away. The detection of condors within 2 miles would signal to operators to reduce wind turbine speeds to 15 mph.

Today's eagle take announcement in the *Federal Register* drew cautious praise from some environmental groups.

Lisa Belenky, a senior attorney with the Center for Biological Diversity, notes that the Tehachapi WRA includes many wind projects. But only the Alta East project owners have "stepped up" and gone through the process to obtain an eagle take permit.

Belenky said the eagle conservation plan the project operators worked to develop with FWS contains a lot of good mitigation measures.

"It's never a good thing to kill eagles," Belenky said, "but we think this is really on the path toward avoidance."

[Click here](#) to read more about the Alta East Wind Project and the Fish and Wildlife Service's program to protect bald and golden eagles.

## **OREGON STANDOFF:**

### **Ryan Bundy hints another takeover could be in the works**

Published: Wednesday, November 2, 2016

Nevada rancher Ryan Bundy has warned that anti-government occupations may increase if the Obama administration decides to create a national monument in the Gold Butte wilderness area.

Bundy's comments come as federal officials fear an uptick in militia activity following a jury's surprise acquittal last week of the occupiers of Oregon's Malheur National Wildlife Refuge ([Greenwire](#), Oct. 31).

"Absolutely! That's the best thing in the world for [people] to do," Bundy said of protest action similar to the Malheur takeover in the event of a monument designation.

Bundy is currently still incarcerated pending charges from another standoff with the federal government at his family's ranch in Nevada.

"Read the Declaration of Independence," said Bundy. "It says right there that if the government becomes abusive, it's our right and our duty to abolish that government. If the government won't restrain itself, whatever happens is their own fault."

Despite the government's defeat in the trial of the Oregon occupiers, officials indicate that the Obama administration is moving forward with plans for a monument at Gold Butte, which abuts the Bundys' ranch in Nevada.

The 350,000-acre expanse is home to a threatened desert tortoise population, unique formations of red sandstone and thousands of tribal carvings known as petroglyphs.

Bundy refused to say if he and his family would launch another occupation if the White House declares a monument, but when asked if militant uprisings are justifiable, Bundy said, "Ask George Washington" (Sullivan/Eilperin, [Washington Post](#), Nov. 1). — **GD**

## **NATIONAL PARKS:**

### **Car hits, kills grizzly in Grand Teton**

Published: Wednesday, November 2, 2016

A vehicle hit and killed a grizzly bear in Grand Teton National Park over the weekend, officials announced.

The 260-pound bear is at least the fifth bear killed by a vehicle in Grand Teton in 2016.

Park rangers were alerted to the kill when a passerby reported a carcass on the roadside. A beat-up vehicle had been abandoned a mile up the road.

Though park guidelines stipulate that crashes or vehicle damage be reported to the park, rangers did not cite the driver for failing to call in the accident (*AP/Billings Gazette*, Nov. 1). — **GD**

## **PUBLIC LANDS:**

### **BLM's 'ice monster' creates online sensation**

Published: Wednesday, November 2, 2016

A post on the Alaska office of the Bureau of Land Management's Facebook page purporting to show an "ice monster" quickly garnered a half-million views and intense speculation over what could be moving through the Chena River.

A perplexed BLM staffer shot footage last week of a rippling, mysterious shape moving through the water. "We honestly don't know exactly" what it was, BLM employees stated at the time.

A fever of suggestions ensued, with eager creature-spotters around the globe proposing a giant sturgeon, a sea monster, a lost shark, a "beavegator," a "zombie salmon" or a "chunk of moose hide." Others named a "giant arctic crocodile," a seal, a "monkey disguised as a river monster" or an eelpout as the possible culprit.

But the Alaska Department of Fish and Game was the big winner. It said the [video](#) merely depicted an ice-coated rope that had snagged on a pier.

Elusive creature-seekers indicated they were disappointed (Camila Domonoske, *NPR*, Nov. 1). — **GD**

## **WILDLIFE:**

### **Elephant poaching costs African nations millions in tourism**

Published: Wednesday, November 2, 2016

African countries lose millions in tourism revenue a year due to widespread elephant poaching, according to a new study.

Using tourism and wildlife data from 25 countries, researchers modeled financial losses from a drop in tourism caused by poaching, concluding that the continent loses about \$25 million in annual revenue.

These losses were generally greater than the cost of anti-poaching programs, according to the study, which was published in the journal *Nature Communications*.

Elephant populations have dropped by more than 100,000 over the past decade.

"The take-away message is that the return on investment in elephant conservation is positive across

much of their range in Africa. In addition to all the other good reasons for their conservation, there is a compelling economic one, too," said Robin Naidoo, the paper's lead author and a senior conservation wildlife scientist at the World Wildlife Fund.

The economic benefits of conservation were not universal; ivory sales outweighed conservation benefits in less popular tourist destinations, according to the study.

Spurred by heavy demand from Southeast Asia, ivory prices have tripled since 2009, and studies estimate one elephant is killed every 15 minutes.

Naidoo added that while economics should not be the only motivation for conservation, a financial argument might encourage African governments to increase elephant conservation efforts.

"It gives an additional reason for some groups of people, who may not necessarily be motivated by intrinsic reasons for conversation, to engage with biodiversity conservation. It makes it clear to them that it's not just in the best interests of the world to conserve this stuff, but tangible reasons for a whole different group," he said (Adam Vaughan, [London Guardian](#), Nov. 1). — **NB**

## **COAL:**

### **EPA to ask science advisers to assess rules' job impacts**

[Amanda Reilly](#), E&E reporter

Published: Wednesday, November 2, 2016

U.S. EPA outlined plans this week for complying with a court order to consider job losses and employment shifts tied to air regulations, but the agency also hinted at a possible appeal.

In its [court filing](#), EPA told the U.S. District Court for the Northern District of West Virginia on Monday that its Science Advisory Board would be tasked with nominating a special panel to prepare a report on evaluating job losses. EPA would then use that information to evaluate the impact of its regulations.

But EPA also said that it believes the district court lacks jurisdiction and that the agency has already considered its regulations' employment impacts.

EPA "reserves the right to appeal all aspects" of the court order issued last month, the filing says.

Murray Energy Corp. filed the lawsuit in the district court in 2014, saying it wanted to counter the Obama administration's "war on coal." Murray is also part of several other pending lawsuits challenging individual regulations that affect the coal industry.

The company immediately dismissed EPA's response to the order, saying in a statement yesterday that it is "abundantly clear" that the agency has no intention to comply.

CEO Robert Murray called EPA's filing "deeply offensive to the Court, to the employees of Murray Energy and their families, and to those Americans who rely on the lowest-cost and most reliable electricity, which coal provides."

Murray's lawsuit alleged that EPA had failed to comply with a Clean Air Act provision saying the agency "shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of [the Clean Air Act] and applicable implementation

plans."

In his Oct. 17 order, Judge John Preston Bailey agreed with the company, ruling that the plain language of the law and the legislative history showed that Congress meant to create a "mandatory obligation" for EPA to continuously assess job impacts.

Bailey ordered EPA to submit within two weeks a plan to the court for evaluating employment effects "both generally and in the specific area of the effects of its regulations on the coal industry" (Greenwire, Oct. 18).

EPA's response lays out a timeline of more than two years for its science advisers to assess how the agency should comply with the order.

EPA also argues that the advisory board's input is necessary.

Until the board takes up the matter, there's no way of knowing what resources or information will be available for EPA to make the required evaluations, the agency said.

EPA maintains that it's committed to ensuring its work "is the product of sound scientific and technical analysis and review" and "accompanied by open, transparent processes that afford opportunities for public engagement."

## **NATIONAL PARKS:**

### **Yellowstone hot spring walker pleads guilty**

Published: Wednesday, November 2, 2016

A Canadian man pleaded guilty Thursday to charges related to damaging an iconic hot spring in Yellowstone National Park in May.

Hamish McNab Campbell Cross will pay over \$8,000 in fines and fees for foot travel in a thermal area and disorderly conduct by creating a hazardous condition.

According to authorities, Cross and three other men belonging to a group called High on Life SundayFundayz uploaded pictures online of themselves going off marked park paths and stepping onto geothermal features (Greenwire, May 18).

"The judge's decision today sends a very clear message about thermal feature protection and safety," Yellowstone National Park Superintendent Dan Wenk said in a statement issued by the park.

The three other defendants have pleaded not guilty to similar charges.

A fifth member of the group pleaded guilty to charges related to violations in Death Valley National Park and will serve five years' probation (Joshua Wolfson, Casper [Wyo.] Star-Tribune, Nov. 1). — **CS**

## **INTERIOR:**

### **BIA's longest-serving director to step down**

Cecelia Smith-Schoenwalder, E&E reporter

Published: Wednesday, November 2, 2016

A longtime Interior Department leader will become the new head of the Bureau of Indian Affairs as current Director Michael Black steps down to be senior adviser to the director, the department announced today.

Weldon "Bruce" Loudermilk, who most recently served as BIA regional director for the Alaska region, will assume the top job. Loudermilk is a citizen of the Fort Peck Assiniboine and Sioux Tribes Reservation.



Weldon "Bruce" Loudermilk. Photo courtesy U.S. Department of the Interior.

Prior to his work as the Alaska regional director, Loudermilk served the same role for the Great Plains region. Before joining the BIA, he worked in Interior's Office of the Special Trustee for American Indians.

Black, the longest-serving BIA director and a member of the Oglala Sioux Tribe, will act as Loudermilk's adviser, "ensuring a smooth transition," according to a press release from Interior.

"It has been an honor and a privilege to work with this policy team and the many people, both BIA and Tribal, who demonstrate their commitment and dedication to Indian Country every day," Black said in a statement. "I want to thank everyone who supported me and helped to carry out our mission."

Black will now work in Billings, Mont., where he will help with the Land Buy-Back Program and Indian Energy Service Center. He will also assist regions in Western time zones.

Black led the bureau's effort to put 500,000 acres of tribal lands into trust status, which was achieved last month (*E&ENews PM*, Oct. 12).

Additionally, Interior announced today that Tony Dearman will take over as director of the Bureau of Indian Education. Dearman, a member of the Cherokee Nation of Oklahoma, previously worked as the associate deputy director for bureau-operated schools.

"Bruce and Tony bring talent and experience as managers of Indian Affairs offices and programs and will be advocates for tribes, playing critical roles in carrying out our trust and treaty obligations, and furthering our commitment to tribal self-governance and self-determination," Interior Secretary Sally Jewell said in a statement.

Previous BIE leader Charles "Monty" Roessel stepped down after the Interior inspector general found that



he had misused his position to help two people get jobs at the bureau.

## **AIR POLLUTION:**

### **EPA sets public hearing for refinery emissions rule**

Sean Reilly, E&E reporter

Published: Wednesday, November 2, 2016

U.S. EPA has scheduled a public hearing and extended the timetable for feedback on its previously announced reconsideration of various aspects of oil refinery emission regulations.

The hearing will be held Nov. 17 in Houston, while the public comment period will now run until Dec. 19, the agency said in a notice set for publication in tomorrow's *Federal Register*.

EPA officials had announced last month that they would revisit five issues stemming from the revised refinery pollution standards released in December following petitions for reconsideration from both industry and environmental groups (Greenwire, Oct. 10).

The public comment period had initially been scheduled to end Dec. 2. The revised regulations, which cover almost 150 refineries nationwide, encompass New Source Performance Standards and maximum achievable control technology requirements.

## **SOUTH CAROLINA:**

### **State offers rewards for coyote hunting**

Published: Wednesday, November 2, 2016

South Carolina officials announced this week a rewards program for hunters who shoot coyotes in the state.

Wild packs of the animal migrated into South Carolina over 30 years ago from the western United States. While South Carolinians already shoot over 30,000 of the canines annually, wildlife officials said that wasn't enough.

The South Carolina Department of Natural Resources says it will soon tag and release 16 coyotes. Anyone who kills one of the tagged animals will be eligible for a lifetime hunting license as well as other prizes.

While 16 may sound like a low number, officials indicated the goal is for hunters to shoot as many coyotes as possible in hopes of nabbing one of the prize carriers.

"The reasoning behind it from the Legislature is to provide incentive to get people to attempt to take more coyotes," said DNR wildlife biologist Jay Butfiloski.

A shooting spree may not eliminate coyotes from South Carolina, said Butfiloski, but it could keep the population more manageable (Sammy Fretwell, Columbia [S.C.] State, Nov. 1). — GD

## GERMANY:

### Cabinet passes draft law banning GMOs

Published: Wednesday, November 2, 2016

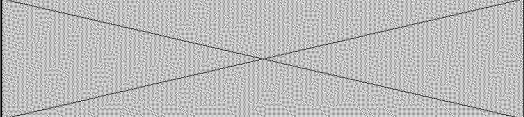
The German Cabinet today approved a draft law that would outlaw the cultivation of crops that contain genetically modified organisms, or GMOs.

Germany announced its intention to ban GMOs in September 2015 after the European Union passed a law approving GMO crop cultivation; the E.U. law gives individual states power to ban the crops.

The draft law would require those applying for E.U. approval to grow GMO crops to remove German land from the permit.


If the grower refuses, Germany could ban cultivation within its borders.

GMO crops face more public resistance in Europe than in the Americas and Asia. The United Kingdom is somewhat supportive of them; Germany and France, among others, oppose their cultivation (Busemann/Hogan, [Reuters](#), Nov. 2). — NB



AN E&E NEWS PUBLICATION

CLIMATEWIRE —Thu., November 3, 2016

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**1.CAMPAIGN 2016:**  
**In Mont. governor race, candidates vie to be coal's champion**  
Montana gubernatorial candidate Greg Gianforte (R) has visited the town of Colstrip six times in the last year. The community of 2,300 might seem like an odd place to mine for votes — but what Colstrip lacks in electoral heft, it makes up for in symbolic importance. The eastern Montana prairie town is home to the second-largest coal-fired power plant west of the Mississippi River. And like most coal plants these days, its future is very much in doubt.

TOP STORIES

**2.UNITED NATIONS:**  
**World on dangerous emissions path as Paris accord goes live**

**3.POLITICS:**  
**High stakes for the Arctic await Trump or Clinton**

POLITICS

**4.ADVOCACY:**  
**Julia Louis-Dreyfus slams Trump on climate change**

**5.CAMPAIGN 2016:**  
**Trump's GOP doesn't believe in gravity — Biden**

**6.CAMPAIGN 2016:**  
**Experts say candidates not focused on biggest risks, like climate**

BUSINESS

**7.BUSINESS:**  
**Exxon makes it easier for outsiders to join its board**

8.OIL MAJORS:

**Top companies to announce investments in green energy**

9.RENEWABLES:

**Investments not enough to meet climate targets**

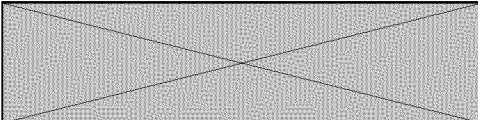
IMPACTS AND CONSEQUENCES

10.ADAPTATION:

**Storm surges eroding Brazilian coastline**


11.GEOENGINEERING:

**U.N. report eyes controversial climate-altering technology**



AN E&E NEWS PUBLICATION

ENERGYWIRE —Thu., November 3, 2016

 READ FULL EDITION

1.PIPELINES:  
**Colonial's fatal blast is the most serious in a string of incidents**  
The Colonial pipeline, disrupted this week by a fatal explosion and fire in Alabama, has had 183 reports of problems since 2005, according to federal records.

TOP STORIES

2.ECONOMY:  
**2 energy aces turn to snake eyes for Alaska**

3.POLITICS:  
**Groups move to get Fla. solar amendment off Nov. ballot**

4.MARKETS:  
**Gulf of Mexico, Alaska drilling boost August oil output**

ELECTRICITY

5.ELECTRICITY:  
**Dynegy takes a tumble as questions mount**

6.UTILITIES:  
**Grid data is the new currency for N.Y. energy circles**

7.UTILITIES:  
**Rate hike proposed to cover smart meters, other updates in Ky.**

OIL AND GAS

8.DAKOTA ACCESS:  
**Norwegian money caught in N.D. pipeline uproar**

9.NORTH DAKOTA:  
**Investigators tie oil splashed on Capitol to pipeline protest**

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